

## II. REMARKS

Amendments filed after the filing of a notice of appeal, but prior to the date of filing a brief, may be admitted to cancel claims and present rejected claims in better form for consideration on appeal.<sup>1/</sup> Accordingly, upon entry of this amendment, claims 5-6 and 8-65 are canceled. Claims 1-4 and 7 are pending. Claim 1 is amended to cancel subject matter from the claim. Claim 7 is amended to correct a typographical error. Accordingly, Applicants submit that no new matter is introduced into the specification by way of the present amendments pursuant to 35 U.S.C. § 132. Applicants respectfully request entry of the amendments, reconsideration of the rejections, and allowance of the pending claims.

The canceled claims and subject matter are canceled without prejudice or disclaimer as to the claimed subject matter pursuant to the restriction requirement or otherwise solely to expedite prosecution of the present application. Applicants reserve the right to pursue canceled subject matter in one or more continuation or divisional applications, as appropriate.

Applicant submits that the present claim amendments present the claims in condition for allowance, or alternatively, place the claims in better form for consideration on appeal. For example, claims 1-4, 7, and 62-65 have been rejected under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) in view of over Dougherty<sup>2/</sup>. Claims 62-65 have been canceled, and thus the outstanding rejections to these claims are moot. Further, Dougherty is relied in the Office Action for its disclosure of the amino acid sequences for the CD44 polypeptide backbones CD44R1 and CD44R2. References to CD44R1 and CD44R2 have been canceled from the claims, and should obviate the outstanding rejection over Dougherty. Accordingly, the present claim amendments present the claims in condition for allowance, or alternatively, place the claims in better form for consideration on appeal.

Applicant maintains that the presently claimed subject matter is patentable over the outstanding rejections for reasons of record. Accordingly, an indication of allowance of all claims is respectfully solicited. Early notification of a favorable consideration is respectfully

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<sup>1/</sup> MPEP § 1206.

<sup>2/</sup> Dougherty GJ, Landorp PM, Cooper DL, Humphries RK.; "Molecular cloning of CD44R1 and CD44R2, two novel isoforms of the human CD44 lymphocyte 'homing' receptor expressed by hemopoietic cells;" J Exp Med. 1991 Jul 1;174(1):1-5.

requested. In the event any issues remain, Applicant would appreciate the courtesy of a telephone call to their counsel to resolve such issues and place all claims in condition for allowance.

Respectfully submitted,

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